REMARKS

The above Amendments and these Remarks are submitted under 35 U.S.C. § 132 and 37 C.F.R. § 1.111 in response to the Office Action mailed October 5, 2006.

Summary of the Examiner's Action and Applicants' Response

The Examiner has objected to Claim 1 based on form. The Examiner has rejected Claims 1-5, 9-11, 13-39, 42, 43, 46-74, and 77-80 under 35 § U.S.C. 103(a) as being obvious based on Boucher, et al. (International Publication Number WO 00/51310) in view of Chaddha (U.S. Patent No. 6,253,241). Applicants respectfully traverse the rejections.

Applicants have amended Claims 1, 4, 37, and 39 to correct typographical errors. Claims 1-5, 9-11, 13-39, 42, 43, 46-74, and 77-80 remain pending.

Response to the Objection of Claim 1

The Examiner has objected to Claim 1 based on form. In response, Applicants have amended the claim to correct a typographical error, as suggested by the Examiner, in two places. Applicants respectfully request withdrawal of the objection.

Response to the Rejection of Claims 1-5, 9-11, 13-39, 42, 43, 46-74, and 77-80 under 35 § U.S.C. 103(a)

The Examiner has rejected Claims 1-5, 9-11, 13-39, 42, 43, 46-74, and 77-80 under 35 § U.S.C. 103(a) as being obvious based on Boucher, et al. in view of Chaddha.

Regarding Claim 1, the Examiner stated that Boucher, et al. discloses all the elements of Claim 1, except for the steps of "[i]nserting the plurality of (component) programming segments into the digital programming transmission stream, wherein the plurality of (component) programming segments replace the standard digital programming segment in the digital programming transmission stream; wherein without increasing the bandwidth normally allocated for a standard digital programming segment, the quantity of differentiable programming content available in the digital programming transmission stream is increased". The Examiner stated that Chaddha discloses the inserting step, specifically at Col. 7, lines 1-38. The Examiner concluded that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method taught in Boucher, et al. with the teaching in Chaddha "so to provide a cost

effective scalable multimedia content targeted at specific end users (Col. 1, lines 55-63)."
Applicants respectfully disagree.

Applicants respectfully submit that Chaddha teaches selecting a cost effective bandwidth for the transmission of content to a user depending on the probability of consummating a sale with the user. (See Col. 7, lines 17-21). Chaddha describes an example wherein sales information regarding a Rolls Royce is sent to a wealthy user using a high resolution video at the highest available bandwidth, whereas video for a poor prospect was sent using the lowest bandwidth. (See Col. 7, lines 30-37). Applicants respectfully submit that Chaddha does not teach either component programming segments or inserting a plurality of component programming segments to replace a standard digital programming segment, as claimed in Claim 1. Applicants respectfully submit that the present specification describes an object of the invention is to provide a greater number of advertising alternatives, including targeted ads, for example, by replacing a standard full motion video segment with multiple segments each comprising components such as audio, still frames, and graphics. (See page 4, lines 11-16). Applicants respectfully submit, therefore, that Chaddha is directed to a different object, i.e., selecting a cost effective bandwidth, and does not solve the problem solved by the present invention. That is, Applicants respectfully submit that Chaddha does not teach inserting a plurality of component programming segments to replace a standard digital programming segment for increasing the quantity of differentiable programming content available in a digital programming transmission stream, as claimed in Claim 1. Applicants respectfully submit, therefore, that Claim 1 is non-obvious based on Boucher, et al. in view of Chaddha for the above reasons.

Claims 2, 3, 4, and 77 are method claims that include replacing the standard digital programming segment with plurality of component programming segments, as claimed Claim 1, and thus are respectfully submitted as being non-obvious based on Boucher, et al. in view of Chaddha for the same reasons given above for Claim 1.

Claims 5, 9-11, 13, and 14-35 depend directly or indirectly on Claims 1, 2, 3, or 4, and thus are respectfully submitted as being non-obvious based on Boucher, et al. in view of Chaddha for the same reasons as above for Claim 1. Claims 78-80 depend directly or indirectly on Claim 77, and thus are respectfully submitted as being non-obvious based on Boucher, et al. in view of Chaddha for the same reasons as above for Claim 77.

Claims 36-39 are system counterparts of Claims 2-4 and include the replacing limitation as
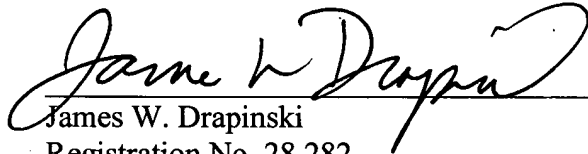
above in Claims 2-4, and thus are respectfully submitted as being non-obvious based on Boucher, et al. in view of Chaddha for the same reasons given above for Claims 2-4. Claims 42, 43, and 46-74 depend directly or indirectly from one or more of Claims 36 -39, and thus are respectfully submitted as being non-obvious based on Boucher, et al. in view of Chaddha for the same reasons given above for Claims 36-39.

Conclusion

For the above reasons, Applicants respectfully submit that all the pending claims, Claims 1-5, 9-11, 13-39, 42, 43, 46-74, and 77-80, in the present application are allowable. Such allowance is respectfully solicited.

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (415) 984-8200.

Respectfully submitted,

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